

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VERNON E. MCGINNIS, JR.,

*Petitioner,*

v.

SUPERINTENDANT SHANNON, *et al*,

*Respondents.*

Civil Action No. 2:05-cv-0659

Hon. William S. Stickman, IV

**ORDER OF COURT**

After Petitioner Vernon E. McGinnis, Jr., a state prisoner, filed a motion purportedly under Rule 60(b)(6) of the Federal Rules of Civil Procedure (ECF No. 14), a Report and Recommendation was filed by United States Magistrate Judge Patricia L. Dodge (ECF No. 16) recommending that Petitioner's Motion be denied and that a certificate of appealability be denied. Petitioner filed a Response on January 31, 2020 (ECF No. 17), stating that he "used the wrong vehicle to address his claim" and "requests to with draw [sic] his 60 (b) (6) Motion."

The Court, after its independent review of the record and taking into consideration the fact that Petitioner has chosen not to file any objections, ADOPTS Magistrate Judge Dodge's Report and Recommendation as its Opinion.

IT IS HERBY ORDERED this 6<sup>th</sup> day of February 2020, that Petitioner's Motion (ECF No. 14) is DENIED. A certificate of appealability is DENIED as jurists of reason would not find debatable the disposition of Petitioner's Motion.

To the extent that Petitioner requests that the Court grant him leave to file another petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, his request is DENIED. Only

the United States Court of Appeals for the Third Circuit can grant him such authorization. *See* 28 U.S.C. § 2244(b)(3)(A). If Petitioner would like to file another habeas petition, he should file an application with the Court of Appeals seeking authorization to file a second or successive application for habeas relief. *See* 28 U.S.C. § 2244(b)(3)(A).

IT IS FURTHER ORDERED THAT, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party desires to appeal from this Order, they must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W. S. Stickman, IV", written over a horizontal line.

WILLIAM S. STICKMAN, IV  
UNITED STATES DISTRICT JUDGE